



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 5311-01
5 December 2001

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 December 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 2 November 1987 for four years and subsequently extended that enlistment for two additional years. You successfully completed the nuclear power program and on 30 July 1989 you reported aboard the USS SEA DEVIL (SSN 664). On 16 December 1990 you were advanced to MM2 (E-5).

In the performance evaluation for the period 1 July 1990 to 31 March 1991 you were assigned adverse marks of 2.6 in six categories and 2.8 in two other categories. The overall evaluation was 2.8 and you were not recommended for advancement or retention. On 18 September 1991 you received nonjudicial punishment (NJP) for insubordination. The punishment imposed included forfeitures of pay and a reduction in rate to MM3 (E-4).

On 9 October 1991, based on the adverse performance evaluation, you were issued a letter of substandard service which states that you could not reenlist or extend your enlistment without specific prior approval of the Chief of Naval Personnel. The letter also stated that you could only be removed from petty officer quality control if you demonstrated 24 months of significantly improved performance, and that you would be assigned an RE-4 reenlistment

code if you decided not to reenlist.

There are no further entries in your record concerning your performance and conduct. You were released from active duty on 1 November 1993 with your service characterized as honorable. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. Subsequently, you were issued an honorable discharge at the expiration of your military obligation.

You contend in your application that since you had no disciplinary actions for 24 months after the NJP, you should not have been assigned the RE-4 reenlistment code. However, the Board noted the terms of the letter of substandard performance, and further noted that there is no evidence showing that you were removed from the petty officer quality control program. It is clear that you had to significantly improve both your performance of duty and conduct before you could be removed from petty officer quality control and receive a better reenlistment code. As indicated, there is no documentation concerning such improvement in the record. The Board believed that the adverse performance evaluation and the NJP, without any evidence of improvement in your performance, were sufficient to support the assignment of the RE-4 reenlistment code. The Board concluded that the reenlistment code was proper as assigned and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director